

Supreme Court Appeals
Pending Cases
12-01-14

1.	Style	Action Chiropractic Clinic, LLC v. Prentice Delon Hyler & Erie Ins. Exchange
2.	Docket Number	M2013-01468-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/actionchiroclinicopncorrected.pdf
4.	Lower Court Summary	Chiropractic clinic which provided services to party injured in an automobile accident brought action against the injured party, who had assigned the proceeds of his claim against tortfeasor to the clinic in payment of the services, and the tortfeasor's liability insurer, which did not honor the assignment. The trial court granted summary judgment to the insurer holding that: the victim did not have any rights relative to the insurance provider; the insurance policy required written consent for an assignment and there was no evidence of such consent; there was no privity between the clinic and the insurance provider; the clinic was not a beneficiary of the insurance policy; and the suit was a direct action against an insurance company which is prohibited by Tennessee law. The clinic appeals. Finding no error, we affirm the grant of summary judgment.
5.	Status	Application granted 05/05/14; Appellant's brief filed 5/05/14; Appellant's supplemental brief filed 07/21/14; Appellee's brief filed 08/20/14; Appellant's reply brief filed 09/03/14.

1.	Style	State v. Larry Jereller Alston et al.
2.	Docket Number	E2012-00431-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/alstonwebbyoungremandopn.pdf
4.	Lower Court Summary	In this State appeal, the State challenged the Knox County Criminal Court's setting aside the jury verdicts of guilty of especially aggravated kidnapping, aggravated burglary, and possession of a firearm with intent to go armed during the commission of a dangerous felony and ordering dismissal of the charges. This court reversed the judgment of the trial court setting aside the verdicts and dismissing the charges of especially aggravated kidnapping and aggravated burglary, reinstated the verdicts, and remanded the case to the trial court for sentencing. We also determined that although the trial court erred by dismissing the firearms charge on the grounds named in its order, error in the indictment for that offense nevertheless required a dismissal of those charges. Finally, we affirmed the defendants' convictions of aggravated robbery. Upon the defendant's application for permission to appeal, the Tennessee Supreme Court remanded the case to this court for consideration in light of <i>State v. Cecil</i> , 409 S.W.3d 599 (Tenn. 2013). Having reconsidered the case in light of the ruling in <i>Cecil</i> , we confirm our earlier holdings. The jury verdicts of especially aggravated kidnapping and aggravated burglary are reinstated, and those convictions are remanded to the trial court for sentencing. The trial court's

dismissal of the firearms charge is affirmed on grounds other than those relied on by the trial court, and the convictions of aggravated robbery are affirmed.

5. Status Application granted 06/20/14; Appellant's brief filed 07/18/14; State's brief filed 09/15/14; TBH 01/07/15

1. Style State v. Ricky Alvis Bell, Jr.

2. Docket Number W2012-02017-SC-DDT-DD

3. Lower Court Decision Link http://www.tncourts.gov/sites/default/files/bell_ricky_1.pdf

4. Lower Court Summary A Lauderdale County jury convicted the defendant, Rickey Alvis Bell, Jr., of felony murder in the perpetration of a kidnapping, felony murder in the perpetration of a rape, aggravated kidnapping, and aggravated sexual battery. Following the penalty phase, the jury sentenced the defendant to death on the two counts of felony murder. The trial court merged the two felony murder convictions and sentenced the defendant to twenty years each for the aggravated kidnapping and aggravated sexual battery convictions. The trial court ordered the defendant to serve the two twenty-year sentences concurrent to each other but consecutive to the death sentence, for an effective sentence of death plus twenty years. On appeal, the defendant asserts that: (1) the trial court erred in denying his motion to strike the State's notice of its intent to seek the death penalty because he is intellectually disabled; (2) the evidence is insufficient to support the convictions; (3) the trial court erred in denying his two motions for a mistrial; (4) the trial court erred in refusing to allow the defense to question the victim's husband regarding an extramarital affair; (5) the aggravating circumstance codified in Tennessee Code Annotated section 39-13-204(i)(7) is unconstitutional; (6) the absence of an intent to kill renders the death penalty disproportionate; (7) proportionality review should be modified and the pool of cases considered in proportionality review should be broadened; and (8) the sentence of death is arbitrary and disproportionate. We affirm the judgments of the trial court.

5. Status Transferred to Supreme Court 06/18/14; Appellant's brief filed 10/17/14; Appellee's brief due 12/17/14, after extension.

1. Style Clayton Arden v. Kenya I. Kozawa, M.D., et al.

2. Docket Number E2013-01598-SC-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/ardenopnfinal.pdf>

4. Lower Court Summary The plaintiff, as surviving spouse, appeals the trial court's dismissal of his health care liability action against the defendant doctor who treated the plaintiff's wife prior to her death and the hospital wherein the treatment occurred. The trial court granted the defendants' motions for summary judgment based upon the plaintiff's failure to strictly comply with the pre-suit notice requirements of

Tennessee Code Annotated § 29-26-121 (Supp. 2013). We reverse the trial court's ruling that the plaintiff had to strictly comply with the provisions of the notice requirement and conclude that the plaintiff substantially complied with said requirement. We affirm, however, the trial court's ruling that the plaintiff could not rely upon the statutory 120-day extension of the statute of limitations due to his failure to properly serve the notice. We therefore affirm the trial court's dismissal of the plaintiff's claims as barred by the statute of limitations.

5.	Status	Application granted 10/21/14; Appellant brief filed 11/21/14.
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1.	Style	Brenda Benz-Elliott v. Barrett Enterprises, LP et al.
2.	Docket Number	M2013-00270-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/benz-elliottb_opn.pdf
4.	Lower Court Summary	In this dispute concerning a real estate sale contract, we have concluded that the gravamen of the action is for injury to property and that, under the applicable legal principles, the evidence preponderates against the trial court's finding as to when the statute of limitations began to run. Because the action is barred by the statute of limitations, we reverse the decision of the trial court.
5.	Status	Heard 10/09/14 in Nashville.
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1.	Style	Richard A. Berent v. CMH Homes, Inc. et al.
2.	Docket Number	E2013-01214-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/berentraopn.pdf
4.	Lower Court Summary	The issue on this appeal is the enforceability of an arbitration agreement. The trial court, applying the principles promulgated in <i>Taylor v. Butler</i> , 142 S.W.3d 277 (Tenn. 1996), held that the arbitration agreement was unconscionable because it requires the plaintiff to submit to arbitration virtually all of his claims, while allowing the defendants access to a judicial forum for some of their potential claims. We agree with the trial court that the Supreme Court's decision in <i>Taylor</i> is controlling and that <i>Taylor</i> mandates a holding that the agreement is unconscionable and unenforceable. The judgment of the trial court is affirmed.
5.	Status	Heard 11/03/14 in Knoxville.
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1.	Style	Calvin Eugene Bryant v. State
2.	Docket Number	M2012-01560-SC-R11-PC
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/bryantcalvinopn.pdf

4.	Lower Court Summary	The Petitioner, Calvin Eugene Bryant, appeals the Davidson County Criminal Court's denial of post-conviction relief. The Petitioner argues on appeal that trial counsel provided ineffective assistance of counsel by failing to request a jury instruction on the lesser included offense of facilitation. Upon review, we affirm the judgment of the post-conviction court.
5.	Status	Heard 05/29/14 at the Girls State S.C.A.L.E.S. project in Nashville.
1.	Style	The Chattanooga-Hamilton Co. Hospital Authority d/b/a Erlanger Health Systems v. United Healthcare Plan of the River Valley, Inc. d/b/a Americhoice and TN Attorney General
2.	Docket Number	M2013-00942-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/erlangerhealthsystem.opn_.pdf
4.	Lower Court Summary	Hospital filed an action against TennCare managed care organization ("MCO") for breach of contract and unjust enrichment when MCO refused to pay Hospital's standard charges for emergency services and follow-up care. Hospital was not part of MCO's "provider network" under the TennCare regulations and therefore was "non-contract" provider. MCO alleged Hospital was required to accept as payment the rate TennCare specified in its regulations. MCO filed motion for summary judgment, and the trial court dismissed the portion of the complaint to which the TennCare regulations may apply due to lack of subject matter jurisdiction. The trial court determined the Uniform Administrative Procedures Act ("UAPA") divested it of jurisdiction because Hospital did not first seek a declaratory order from the Bureau of TennCare regarding the applicability of its regulations to Hospital's dispute with MCO. Hospital appealed the dismissal of its claims, and we reverse. Because Hospital is not challenging applicability or validity of TennCare regulations, UAPA does not divest trial court of jurisdiction.
5.	Status	Application granted 10/23/14; Appellant brief filed 11/24/14.
1.	Style	Circle C Construction, LLC v. D. Sean Nilsen, et al.
2.	Docket Number	M2013-02330-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/circlec.const_.opn_.pdf
4.	Lower Court Summary	The issue in this case is whether a tolling agreement between the parties precludes the application of the savings statute set forth in Tenn. Code Ann. § 28-1-105(a). The Court of Appeals agreed with the trial court that the tolling agreement does preclude application of the savings statute and that the plaintiff's legal malpractice action is barred by the termination date established

in the agreement.

5. Status Application granted 11/20/14; Appellant brief due 12/20/14.

1. Style Homer L. Cody v. BPR

2. Docket Number W2014-02003-SC-R3-BP

3. Lower Court
Decision Link n/a

4. Lower Court
Summary n/a

5. Status Appeal filed 10/15/14

1. Style State v. Jacqueline Crank

2. Docket Number E2012-01189-SC-R11-CD

3. Lower Court
Decision Link <http://www.tsc.state.tn.us/sites/default/files/crankjopn.pdf>

4. Lower Court
Summary Jacqueline Crank (“the Defendant”) was convicted after a bench trial of one count of misdemeanor child abuse or neglect. The trial court sentenced the Defendant to eleven months, twenty-nine days, suspended to probation. In this direct appeal, the Defendant challenges the constitutionality of the “spiritual treatment exemption” provision set forth in Tennessee Code Annotated section 39-15-402(c). The Defendant also contends that, if this Court affirms her conviction, this matter must be remanded for a hearing under Tennessee’s “Preservation of Religious Freedom” statute, codified at Tennessee Code Annotated section 4-1-407. Upon our thorough review of the record and relevant authority, for the reasons stated herein, we conclude that it is not necessary to address the constitutional issue or to remand this matter. We affirm the judgment of the trial court.

5. Status Heard 09/04/14 in Knoxville.

1. Style State v. Marlo Davis

2. Docket Number W2011-01548-SC-R11-CD

3. Lower Court
Decision Link <http://www.tncourts.gov/sites/default/files/davismarloopn.pdf>

4. Lower Court
Summary The Defendant, Marlo Davis, was convicted by a Shelby County jury of second degree murder and reckless homicide. Subsequently, the trial court merged the reckless homicide into the second degree murder conviction and imposed a sentence of forty years. In this direct appeal, the Defendant challenges (1) the sufficiency of the evidence supporting his convictions; (2) the mutually

exclusive nature of the verdicts and whether the offenses were properly merged; (3) the admission of prior inconsistent statements by a witness, who had no memory of making those statements at the time of trial, as substantive evidence; (4) the imposition of the maximum forty-year sentence in violation of *Blakely v. Washington*, 542 U.S. 296 (2004); and (5) the cumulative effect of these errors. After a thorough review of the record and the applicable authorities, we affirm the judgment of the trial court.

5.	Status	Heard 11/05/14 in Jackson.
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1.	Style	Timothy Davis v. Michael Ibach, M.D. and Martinson Ansah, M.D.
2.	Docket Number	W2013-02514-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/davistopn_0.pdf
4.	Lower Court Summary	This is a medical malpractice wrongful death action. After the plaintiff filed this lawsuit, he timely filed a certificate of good faith, as required by the medical malpractice statute. The certificate did not include a statement that the executing party had “zero” violations of the statute. The defendants filed a motion to dismiss based on this omission. The plaintiff in turn filed a notice of voluntary nonsuit without prejudice. The defendants objected to a dismissal without prejudice. The defendants argued that, if the certificate of good faith does not strictly comply with the statutes, the trial court must dismiss the case with prejudice. The trial court granted the voluntary nonsuit without prejudice, and the defendants now appeal that decision. Discerning no error, the Court of Appeals affirmed.
5.	Status	Application granted 11/19/14; Appellant brief due 12/19/14; TBH 03/15
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1.	Style	State v. Shanice L. Dycus
2.	Docket Number	M2012-02297-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/dycusshaniceopn.pdf
4.	Lower Court Summary	The Defendant, Shanice L. Dycus, challenges the trial court’s denial of judicial diversion for her multiple convictions for various drug-related offenses, including possession of marijuana in excess of one half of a gram with intent to sell or deliver within 1,000 feet of a school zone. <i>See</i> Tenn. Code Ann. §§ 39-17-417, -432. She contends that the trial court erred by failing to consider all of the required factors in deciding her suitability for judicial diversion and by failing to state on the record how it weighed the relevant factors. The State counters that possession of marijuana in excess of one half of a gram with intent to sell or deliver in a school zone is a non-divertable offense and, regardless, that the trial court properly denied diversion under the standard announced in <i>State v. Bise</i> , 380 S.W.3d 682, 707 (Tenn. 2012). Following our review, we conclude that the offense for which the Defendant stands convicted is eligible for

diversion but that the trial court failed to consider and weigh all of the factors relevant in its decision denying diversion. Therefore, we reverse the trial court's denial of judicial diversion and remand this case for a resentencing hearing.

5.	Status	Heard 10/09/14 in Nashville.
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1.	Style	State v. Justin Ellis
2.	Docket Number	E2011-02017-SC-R11-CD
3.	Lower Court Link	http://tncourts.gov/sites/default/files/ellisjustinopn.pdf http://tncourts.gov/sites/default/files/ellis_dissent.pdf
4.	Lower Court Summary	The Defendant, Justin Ellis, was convicted by a Knox County jury of aggravated burglary, employing a firearm during the commission of a dangerous felony, aggravated assault, and aggravated robbery. The aggravated assault conviction was merged with the aggravated robbery conviction. The trial court imposed an effective nineteen-year sentence. On appeal, the Defendant argues that the successor judge erroneously determined that he was qualified to act as thirteenth juror in this case. Following our review of the record and the applicable authorities, we conclude that the successor trial judge could not act as the thirteenth juror and reverse the judgments of the trial court and remand the case for a new trial.
5.	Status	Heard 09/04/14 in Knoxville.

1.	Style	State v. Terence Justin Feaster
2.	Docket Number	E2012-02636-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/feasterterrencejustinopn.pdf
4.	Lower Court Summary	This case involves the attempted voluntary manslaughter, aggravated assault, and false imprisonment of the victim, Molly Kate McWhirter, at her home in Knox County on May 27, 2010. For his involvement in these offenses, a Knox County grand jury indicted appellant for one count of attempted first degree murder, two counts of especially aggravated kidnapping, one count of aggravated robbery by causing serious bodily injury, and one count of aggravated assault by causing serious bodily injury. See Tenn. Code Ann. §§ 39-12-101, -13-202, -13-305, -13-402, -13-102. Following a trial, the jury found appellant guilty of attempted voluntary manslaughter, a lesser included offense of attempted first degree murder, a Class D felony; false imprisonment by confining the victim, a lesser included offense of especially aggravated kidnapping, a Class A misdemeanor; and aggravated assault, a Class C felony. The jury returned verdicts of not guilty for aggravated robbery and the remaining count of especially aggravated kidnapping based on removal of the victim. The trial court sentenced appellant to consecutive terms of twelve years for attempted voluntary manslaughter, fourteen years for aggravated assault, and eleven months, twenty-nine days for false imprisonment.

5. Status Application granted 10/24/14; Appellant brief due 12/23/14, after extension

1. Style Samuel E. Foster et al. v. Walter William Chiles, III, M.D. et al.

2. Docket Number E2012-01780-SC-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/fosterse.pdf>

4. Lower Court Summary

This is a health care liability case. Samuel E. Foster and his wife, Mary Foster, timely filed a complaint after properly sending pre-suit notices to the potential defendants as required by Tenn. Code Ann. § 29-26-121(a) (2012). After nonsuiting their first lawsuit, they timely filed a second complaint in which they alleged the same cause of action against the same defendants. The second complaint alleged compliance with section 121(a), citing the notices already properly sent before the first complaint was filed. The trial court dismissed the second complaint with prejudice based upon the court's determination that plaintiffs failed to satisfy the notice requirement of section 121(a). We hold that plaintiffs complied with section 121(a)'s notice requirement by giving a written notice of their potential health care liability claim to each defendant at least 60 days prior to the filing of their second complaint. We further hold that section 121 does not mandate dismissal with prejudice for noncompliance with its terms, and that plaintiffs' inadvertent failure to file – with the second complaint – proof of their service of the subject notices does not warrant dismissal with prejudice. We vacate the trial court's order of dismissal and remand for further proceedings.

5. Status Heard 09/04/14 in Knoxville.

1. Style State v. Dominic Eric Frausto

2. Docket Number E2011-02574-SC-R11-CD

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/fraustodominicericopn.pdf>

4. Lower Court Summary

The Defendant, Dominic Eric Frausto, was convicted by a Union County Criminal Court jury of two counts of aggravated sexual battery, Class B felonies. See T.C.A. § 39-13-504 (2010). The trial court merged the convictions and sentenced him as a Range I, standard offender to twelve years' confinement. On appeal, the Defendant contends that (1) the evidence is insufficient to support his convictions because the State did not prove the corpus delicti, (2) the trial court erred in failing to comply with Tennessee Criminal Procedure Rule 24 during jury selection, and (3) the trial court erred in sentencing him to the maximum in the range. We affirm the judgment of the trial court.

5. Status Application granted 06/24/14; Appellant's brief filed 07/24/14; State's brief filed 10/09/14; Appellant's reply brief filed 10/21/14; TBH 1/08/15.

1.	Style	C.L. Gilbert, Jr. v. Izak Frederick Wessels, M.D.
2.	Docket Number	E2013-00255-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/wesselsfinal.pdf
4.	Lower Court Summary	This Court granted an extraordinary appeal in this health care liability action to determine whether the trial court abused its discretion in declining to waive the contiguous state requirement for a testifying expert witness set forth in Tennessee Code Annotated section 29-26-115(b). Discerning no error, we affirm.
5.	Status	Heard 09/04/14 in Knoxville.
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1.	Style	State v. William Eugene Hall
2.	Docket Number	M2012-00336-SC-DDT-DD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/hallwilliameugenedp_opn.pdf
4.	Lower Court Summary	The Appellant, William Eugene Hall, was convicted of two counts of felony murder, three counts of first degree burglary, three counts of grand larceny, and one count of petit larceny. The Appellant received the death penalty for one of the murder convictions, a life sentence for the other, and an effective eighty-year sentence for the remaining convictions. The Appellant was unsuccessful in his original direct appeal. <i>State v. Hall</i> , 976 S.W.2d 121 (Tenn. 1998). The Appellant subsequently pursued post-conviction relief. This Court affirmed the trial court's denial of that relief. <i>William Eugene Hall v. State</i> , No. M2005-02959-CCA-R3-PD, 2008 WL 2649637 (Tenn. Crim. App. July 7, 2008). The supreme court, however, has granted the Appellant a delayed appeal. This appeal stems from the original and amended motions for new trial, which the trial court denied. Following our review, we affirm.
5.	Status	Heard 10/09/14 in Nashville.
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1.	Style	Charles Haynes v. Formac Stables, Inc.
2.	Docket Number	W2013-00535-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/haynescharlesopn.pdf
4.	Lower Court Summary	Plaintiff filed retaliatory discharge suit against his former employer, Defendant. According to his complaint, Defendant's owner engaged in illegal activity. Plaintiff complained to Defendant's owner of the illegal activity and was subsequently terminated. The trial court dismissed Plaintiff's complaint because Plaintiff did not report the illegal activity to any person or entity other than the Defendant's owner, who was a participant in the illegal activity. Plaintiff

contends that where a company's owner is a participant in illegal activity, reporting the illegal activity solely to the owner should not preclude a retaliatory discharge claim premised on refusal to remain silent. We do not agree and therefore affirm the trial court's dismissal of Plaintiff's complaint.

5.	Status	Heard 11/05/14 in Jackson.
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1.	Style	State v. Frederick Herron
2.	Docket Number	W2012-01195-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/herronfrederickopn.pdf http://www.tncourts.gov/sites/default/files/herronfrederickdis.pdf
4.	Lower Court Summary	Defendant, Frederick Herron, was indicted by the Shelby County Grand Jury for one count of rape of a child. Following a jury trial, Defendant was convicted as charged and sentenced by the trial court to serve 25 years at 100%. Defendant appeals his conviction and asserts that: 1) the trial court abused its discretion by allowing the State to admit into evidence a video recording of the victim's forensic interview; 2) the trial court abused its discretion by ruling that the State could ask Defendant about prior arrests and an unnamed prior felony conviction if Defendant chose to testify; 3) the State failed to ensure a unanimous verdict by electing an offense that occurred on an unspecified date, and the evidence was insufficient to support a conviction for the offense; 4) the trial court should have granted a mistrial after a State's witness testified about Defendant's alleged prior DUI conviction; 5) the trial court abused its discretion by excluding a letter written by the victim to her sister; and 6) the cumulative effect of the trial court's errors deprived Defendant of a fair trial. Having carefully reviewed the parties' briefs and the record before us, we affirm the judgment of the trial court.
5.	Status	Heard 11/05/14 in Jackson.
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1.	Style	State v. Thomas Lee Hutchison
2.	Docket Number	E2012-02671-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/hutchisonthomasleeopn_0.pdf http://www.tncourts.gov/sites/default/files/hutchinsonthomasleecon.pdf
4.	Lower Court Summary	This case concerns the February 19, 2002 murder and robbery of the victim, Gary Lindsey. The victim was killed in appellant's home, and the police arrested appellant for the crime. On December 11, 2007, a Knox County grand jury indicted appellant for premeditated murder, murder in the perpetration of robbery, murder in the perpetration of theft, and especially aggravated robbery. Prior to trial, appellant moved the court, in separate pleadings, to suppress blood evidence taken from appellant without a warrant and to suppress all evidence seized from appellant's house during a warrantless search. The trial court denied both motions. On or around November 19, 2010, the State notified appellant that physical evidence in his case had been inadvertently destroyed by the Knoxville Police Department ("KPD"). Consequently, appellant moved the court to dismiss the indictment based on the destruction of evidence. The trial court

heard appellant's motion to dismiss the indictment on February 25, 2011, and subsequently denied the motion. On May 27, 2011, appellant filed a motion requesting that the trial court reconsider the previously filed motions to suppress evidence. The trial court granted the motion to reconsider but ultimately denied the motions to suppress by written order filed July 13, 2011. The matter proceeded to trial on August 8, 2011, and the jury found appellant guilty of three counts of the lesser included offense of facilitation of first degree murder and one count of the lesser included offense of facilitation of especially aggravated robbery.

5.	Status	Application granted 10/20/14; Appellant's brief due 12/19/14, after extension.
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1.	Style	Edward Thomas Kendrick, III v. State
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2.	Docket Number	E2011-02367-SC-R11-PC
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3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/kendrickeopn.pdf
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4.	Lower Court Summary	Edward Thomas Kendrick, III ("the Petitioner") was convicted by a jury of first degree premeditated murder. This Court affirmed the Petitioner's conviction on direct appeal. The Petitioner filed for post-conviction relief, alleging ineffective assistance of counsel. After a hearing, the post-conviction court denied relief, and this appeal followed. Upon our thorough review of the record and the applicable law, we are constrained to conclude that the Petitioner established that he received the ineffective assistance of counsel at trial, because it is reasonably likely that a jury would have convicted him of a lesser degree of homicide absent the deficiencies in his trial counsel's performance. Accordingly, we must reverse the Petitioner's conviction and remand this matter for further proceedings.
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5.	Status	Heard 05/28/14 at the Boys State S.C.A.L.E.S. project in Cookeville.
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1.	Style	State v. Courtney Knowles
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2.	Docket Number	W2013-00505-SC-R11-DC
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3.	Lower Court Decision Link	http://tncourts.gov/sites/default/files/knowlescourtneyopn.pdf
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4.	Lower Court Summary	The defendant, Courtney Knowles, appeals his Shelby County Criminal Court jury conviction of rape of a child, challenging the sufficiency of the convicting evidence. Discerning no reversible error, we affirm.
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5.	Status	Application granted 09/19/14; Appellant's brief filed 11/05/14; Appellee's brief due 12/05/14.
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1.	Style	Orville Lambdin v. Goodyear Tire & Rubber Co.
2.	Docket Number	W2013-01597-WC-R3-WC
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 11/05/14 in Jackson.

1.	Style	Thomas Fleming Mabry v. Board of Professional Responsibility
2.	Docket Number	E2013-01549-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 05/06/14 in Knoxville

1.	Style	State v. Barry D. McCoy
2.	Docket Number	M2013-00912-SC-R11-CD
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 02/06/14 in Nashville

1.	Style	State v. Mechelle L. Montgomery
2.	Docket Number	M2013-01149-SC-R11-CD
3.	Lower Court Decision Link	http://tncourts.gov/sites/default/files/montgomerymechelleopn.pdf http://tncourts.gov/sites/default/files/montgomery_mechelle_-_dissent.pdf
4.	Lower Court Summary	The Defendant-Appellee, Mechelle L. Montgomery, was indicted for driving under the influence of an intoxicant and for violation of the open container law. See T.C.A. §§ 55-10- 401, -416. She filed a motion to suppress, alleging, inter alia, that she was unreasonably seized and that her arrest lacked probable cause. After a bifurcated hearing on the motion, the trial court took the matter under advisement and requested further briefing from the parties. The trial court

subsequently entered a written order granting Montgomery's motion to suppress. The State appeals, arguing that the trial court erred in concluding that the investigatory detention of Montgomery was unlawful. Upon review, we affirm the judgment of the trial court.

5.	Status	Application granted 09/19/14; Appellant brief due 12/09/14, after extension.
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1.	Style	Mortgage Electronic Registration Systems, Inc. v. Carlton J. Ditto, et al.
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2.	Docket Number	E2012-02292-SC-R11-CV
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3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/dittoopn.pdf
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4.	Lower Court Summary	<p>This appeal involves the purchase of property at a tax sale. MERS filed suit against Purchaser to invalidate his purchase of property because it had not received notice of the sale even though it was listed as a beneficiary or nominee on the deed of trust. Purchaser claimed that MERS was not entitled to notice because MERS did not have an interest in the property. Purchaser also alleged that MERS failed to properly commence its lawsuit because it did not remit the proper funds pursuant to Tennessee Code Annotated section 67-5-2504(c). The trial court refused to set aside the tax sale, holding that the applicable notice requirements were met and that Purchaser was the holder of legal title to the property. MERS appeals. We affirm the decision of the trial court.</p>
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5.	Status	Application granted 10/20/14; Appellant brief filed 11/25/14; Appellee's brief due 12/25/14.
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1.	Style	Richard Moreno v. City of Clarksville
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2.	Docket Number	M2013-01465-SC-R11-CV
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3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/morenor.opn_.pdf
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4.	Lower Court Summary	<p>Plaintiff filed a timely claim with the Division of Claims Administration, which did not resolve the claim within the statutory period. The claim was transferred to the Claims Commission, and Plaintiff filed a complaint pursuant to the Claims Commission Rules. Much later, the State amended its answer to allege fault by the City of Clarksville. Plaintiff filed suit against the City. The suit was dismissed because the trial court found that the "original complaint" under Tenn. Code Ann. § 20-1-119 was not filed within a year of the alleged injury. Plaintiff appealed. We reverse.</p>
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5.	Status	Application granted 06/24/14; Appellant's brief filed 09/08/14; City's brief filed 10/08/14; Amicus brief filed 10/17/14.
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1.	Style	Anne Payne v. CSX Transportation, Inc.
2.	Docket Number	E2012-02392-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/payneacorr1-14opn.pdf
4.	Lower Court Summary	<p>Winston Payne brought this action against his former employer, CSX Transportation, Inc., under the Federal Employers' Liability Act ("FELA"), alleging that CSX negligently exposed him to asbestos, diesel fumes, and radioactive materials in the workplace causing his injuries. The jury returned a verdict finding (1) that CSX negligently caused Payne's injuries; (2) that CSX violated the Locomotive Inspection Act or safety regulations regarding exposure to asbestos, diesel fumes, and radioactive materials; and (3) that Payne's contributory negligence caused 62% of the harm he suffered. The jury found that "adequate compensation" for Payne's injuries was \$8.6 million. After the jury returned its verdict, the trial court, sua sponte, instructed the jury, for the first time, that, under FELA, its finding that CSX violated a statute or regulation enacted for the safety of its employees meant that plaintiff would recover 100% of the damages found by the jury. The court sent the jury back for further deliberations. It shortly returned with an amended verdict of "\$3.2 million @ 100%." Six months after the court entered judgment on the \$3.2 million verdict, it granted CSX's motion for a new trial, citing "instructional and evidentiary errors." The case was then assigned to another trial judge, who thereafter granted CSX's motion for summary judgment as to the entirety of the plaintiff's complaint. The second judge ruled that the causation testimony of all of plaintiff's expert witnesses was inadmissible. We hold that the trial court erred in instructing the jury, sua sponte, on a purely legal issue, i.e., that the jury's finding of negligence per se under FELA precluded apportionment of any fault to the plaintiff based upon contributory negligence, an instruction given after the jury had returned a verdict that was complete, consistent, and based on the instructions earlier provided to it by the trial court. We further hold that, contrary to the trial court's statements, the court did not make any prejudicial evidentiary rulings in conducting the trial, and that its jury instructions, read as a whole, were clear, correct, and complete. Consequently, the trial court erred in granting a new trial. We remand to the trial court. We direct the first trial judge to review the evidence as thirteenth juror and determine whether the jury verdict in the amount of \$8.6 million is against the clear weight of the evidence. If it is not, the trial judge is directed to enter judgment on that verdict. If, on the other hand, the trial judge finds that the larger verdict is against the clear weight of the evidence, the court is directed to enter a final judgment on the jury's verdict of \$3.2 million. The trial court's grant of summary judgment is rendered moot by our judgment. However, in the event the Supreme Court determines that our judgment is in error, we hold that the grant of summary judgment was not appropriate.</p>
5.	Status	Application granted 06/24/14; Appellant's brief filed 07/17/14; Appellee's brief filed 08/13/14; Appellant's reply brief filed 09/23/14; TBH 01/07/15.

1.	Style	Michelle Rye, et al. v. Women's Care Center of Memphis, M PLLC, et al.
2.	Docket Number	W2013-00804-SC-R11-CV
3.	Lower Court Decision Link	http://tncourts.gov/sites/default/files/ryemopn.pdf
4.	Lower Court Summary	This interlocutory appeal concerns the trial court's grant of partial summary judgment to the Defendant/Appellee medical providers on various issues. The Plaintiff/Appellant couple filed a complaint for damages stemming from the medical providers' failure to administer a RhoGAM injection during wife's pregnancy. The couple alleged causes of action for compensatory damages associated with medical malpractice, negligent infliction of emotional distress, and disruption of family planning. The trial court granted summary judgment to the medical providers on the wife's claim for future medical expenses, husband's claim for negligent infliction of emotional distress, and the couple's claim for disruption of family planning. The trial court declined to grant summary judgment on wife's physical injury claim, her negligent infliction of emotional distress claim, and the claim that wife could present evidence of the disruption of her family planning as evidence in her negligent infliction of emotional distress claim. We reverse the trial court's grant of summary judgment on wife's claim for future medical expenses associated with future pregnancy and husband's claim for negligent infliction of emotional distress, which he may support with evidence concerning the disruption of the couple's family planning. The trial court's ruling is affirmed in all other respects. Affirmed in part, reversed in part, and remanded.
5.	Status	Application granted 09/19/14; Appellant's brief filed 10/20/14; Appellee's brief due 12/01/14, after extension.

1.	Style	In re Kaliyah S. et al.
2.	Docket Number	E2013-01352-SC-R11-PT
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/kaliyahopn.pdf http://www.tncourts.gov/sites/default/files/inrekaliyahsopndissenting.pdf
4.	Lower Court Summary	This is a termination of parental rights case, focusing on Kaliyah S. and Jaya P. ("the Children"), the minor children of Kayla S. ("Mother"). In November 2010, the Children were taken into protective custody by the Tennessee Department of Children's Services ("DCS") and placed in foster care. DCS filed a petition to terminate the parental rights of Mother and Jaya's father, Josh P., on November 30, 2010. The petition alleged severe child abuse as the sole ground for termination. DCS filed an amended petition in May 2011, which also named Kaliyah's father, Rontez L. ("Father"), and alleged that his parental rights should be terminated on the statutory ground of abandonment by wanton disregard. Father was incarcerated at the time the amended petition was filed. Following a bench trial, the trial court granted the petition as to Mother and Josh P. upon finding that DCS had proven the ground of severe child abuse by clear and convincing evidence. The court also found clear and convincing evidence that Father had abandoned Kaliyah by engaging in conduct exhibiting wanton disregard for her welfare prior to his incarceration. When making its ruling, the

trial court concluded that DCS was not required to make reasonable efforts to assist Father in reunification because DCS sufficiently proved the statutory ground of abandonment alleged against him. The court also found that termination of the parental rights of all three respondents was in the Children's best interest. Father has appealed. We reverse the trial court's determination that DCS was relieved of the requirement of making reasonable efforts of reunification with regard to Father and remand for further proceedings.

5. Status Heard 09/04/14 in Knoxville.

1. Style Yarboro Saltee v. Board of Professional Responsibility

2. Docket Number E2014-01062-SC-R3-BP

3. Lower Court Decision Link n/a

4. Lower Court Summary

A Hearing Panel entered a Judgment on August 30, 2012, imposing a disciplinary sanction against Yarboro Ann Saltee of a one year suspension for violating Rules of Professional Conduct 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), 4.4 (respect for the rights of third parties), and 8.4 (misconduct). Ms. Saltee filed a Petition for Writ of Certiorari in the Knox County Chancery Court, specifically stating that the Hearing Panel's judgment was in violation of constitutional or statutory provisions, in excess of the panel's jurisdiction, made upon lawful procedure, arbitrary or capricious or characterized by an abuse of discretion, or unsupported by evidence which is both substantial and material in light of the record. Ms. Saltee also asserted in her Petition that the Hearing Panel denied her due process rights under the Fourteenth Amendment of the United States Constitution and erred in determining that a one year suspension was appropriate discipline in her case. The Knox County Chancery Court upheld Ms. Saltee's suspension, holding that the Hearing Panel's findings of fact and conclusions of law were fully supported by the evidence presented and that reversal of the Hearing Panel's decision was not warranted. Ms. Saltee subsequently filed a Notice of Appeal, seeking review of the Chancery Court's decision.

5. Status Notice of appeal filed 06/06/14; Record filed 09/19/14; Appellant's brief filed 11/25/14, after extension. TBH 01/08/15.

1. Style Larry Sneed v. The City of Red Bank, Tennessee

2. Docket Number E2012-02112-SC-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/sneedopn.pdf>

4. Lower Court Summary After his discharge as the Chief of Police for Red Bank, Tennessee, Larry Sneed filed suit against Red Bank pursuant to the Tennessee Human Rights Act and the Tennessee Public Protection Act. He requested a jury trial on both claims. Red

Bank filed a motion to transfer to circuit court and to proceed without a jury pursuant to the Tennessee Governmental Tort Liability Act. The trial court transferred the case and ordered the case to proceed without a jury on the Tennessee Public Protection Act claim. Relying on *University of Tennessee of Chattanooga v. Farrow*, E2000-02386-COA-R9-CV, 2001 WL 935467 (Tenn. Ct. App. Aug. 16, 2001), the court held that the Tennessee Governmental Tort Liability Act did not preclude a jury trial on the remaining claim. Red Bank pursued this interlocutory appeal. We reverse the decision of the trial court and hold that the Tennessee Governmental Tort Liability Act applies to claims brought against a municipality pursuant to the Tennessee Human Rights Act; therefore, that claim must also be tried without a jury.

5. Status Heard 09/04/14 in Knoxville.

1. Style State v. Charles D. Sprunger

2. Docket Number E2011-02573-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/sprungercopn.pdf>

4. Lower Court Summary This is a forfeiture case. Appellant was convicted of a Class B felony for sexual exploitation of children pursuant to Tennessee Code Annotated Section 39-17-1003. Appellant tendered his home computer to a repair shop. Upon examination of the hard drive, the technician discovered unlawful images and notified local law enforcement. A search warrant was subsequently executed for Appellant's home, where parts of the computer in question were discovered. After Appellant's arrest, a forfeiture warrant was executed and, after his mortgage indebtedness was satisfied, proceeds from the sale of Appellant's real property were forfeited to the State pursuant to Tennessee Code Annotated Section 39-17-1008. Appellant appeals the forfeiture of these proceeds. Discerning no error, we affirm and remand.

5. Status Heard 10/09/14 in Nashville.

1. Style Lea Ann Tatham v. Bridgestone Americas Holding, Inc. et al.

2. Docket Number W2013-02604-SC-R11-CV

3. Lower Court Decision Link n/a

4. Lower Court Summary Now pending before the Court is the application for an interlocutory appeal filed in this matter by Applicants Bridgestone Retail Operations, LLC and GITI Tire (USA) Ltd. on November 27, 2013, pursuant to Rule 9 of the Tennessee Rules of Appellate Procedure. Respondent Lea Ann Tatham filed a response in opposition to the application on December 9, 2013. Upon due consideration, the Court hereby denies the application. Costs of this matter are assessed to Applicants Bridgestone Retail Operations, LLC and Gill Tire (USA) Ltd. and their surety for which execution may issue, if necessary.

5.	Status	Application granted 05/15/14; Appellant's brief filed 07/31/14; Appellee's brief filed 09/15/14; Appellant's reply brief filed 10/13/14; TBH 01/08/15.
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1.	Style	State v. Jerome Maurice Teats
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2.	Docket Number	M2012-01232-SC-R11-CD
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3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/teatsjopn.pdf http://www.tncourts.gov/sites/default/files/teatsjeromedis.pdf
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4.	Lower Court Summary	Jerome Maurice Teats ("the Defendant") was convicted by a jury of one count of aggravated robbery and four counts of especially aggravated kidnapping. The trial court subsequently imposed an effective sentence of fifty years' incarceration. In this direct appeal, the Defendant raises the following issues: (1) the trial court erred in denying his motion to suppress; (2) the trial court erred in denying his motion to disqualify the district attorney general's office; (3) his convictions for especially aggravated kidnapping must be reversed on due process and double jeopardy grounds; (4) the trial court improperly instructed the jury on criminal responsibility; (5) the evidence was not sufficient to support his convictions; (6) cumulative error; and (7) his sentence is excessive. Upon our thorough review of the record and applicable law, we affirm the judgments of the trial court.
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5.	Status	Application granted 05/15/14; Appellant's brief filed 09/15/14; State's brief filed 10/13/14.
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1.	Style	Bradley Teplitsky v. Board of Professional Responsibility
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2.	Docket Number	W2013-02871-SC-R3-BP
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3.	Lower Court Decision Link	n/a
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4.	Lower Court Summary	
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On June 22, 2011, the Board of Professional Responsibility filed a Petition for Discipline against Bradley A. Teplitsky, alleging that Mr. Teplitsky violated Rules of Professional Conduct 8.4(a), (c), and (d) by falsely executing two affidavits swearing that he attended two CLE seminars he did not in fact attend. Though he was granted an extension of time to file his answer to the Petition for Discipline, Mr. Teplitsky failed to file his answer with the Executive Secretary of the Board of Professional Responsibility. A hearing subsequently took place on May 21, 2012, and the panel concluded that Mr. Teplitsky was guilty of violating Rule of Professional Responsibility 8.4(c), engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by virtue of filing and submitting a false affidavit. The hearing panel recommend that Mr. Teplitsky be punished by the issuance of a public reprimand. On August 1, 2012, Mr. Teplitsky filed a Petition for Writ of Certiorari in the Shelby County Chancery Court, sixty-three days after receiving the Findings and Recommendations of the hearing panel. The Board of Professional Responsibility filed a Motion to Dismiss on August 13, 2012, asserting a lack of subject matter jurisdiction

resulting from the untimely filing of his Petition. The Shelby County Chancery Court issued an Order of Final Judgment on October 29, 2013, dismissing Mr. Teplitsky's Petition for Writ of Certiorari for being untimely. Mr. Teplitsky filed a Notice of Appeal on December 2, 2013, seeking review of the Chancery Court's decision.

5. Status Notice of appeal filed 01/08/14; Record filed 08/06/14; Appellant's brief filed 10/07/14; Board's brief due 11/06/14; TBH 01/08/15.

1. Style State v. Jeremy Wendell Thorpe

2. Docket Number M2012-02676-SC-R11-CD

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/thorpejeremywendellopn.pdf>

4. Lower Court Summary The defendant, Jeremy Wendell Thorpe, appeals his Davidson County Criminal Court jury conviction of attempted sexual battery by an authority figure, claiming that the trial court erred by providing a jury instruction on attempted sexual battery by an authority figure as a lesser included offense of sexual battery by an authority figure and that the evidence was insufficient to support his conviction. Discerning no error, we affirm.

5. Status Heard 10/09/14 in Nashville.

1. Style Stephanie D. Turner v. Kevin Turner

2. Docket Number W2013-01833-SC-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/turnerkopn.pdf>
<http://www.tncourts.gov/sites/default/files/turnerkcur.pdf>

4. Lower Court Summary Father appealed the trial court's order setting aside its prior judgment terminating Mother's parental rights. After a hearing, the trial court ruled that Father's failure to comply with the statutory notice requirements rendered the termination judgment void. Discerning no error, Court of Appeals affirmed

5. Status Application granted 11/20/14; Appellant brief due 12/20/14; TBH 03/15

1. Style Vodafone Americas Holdings, Inc. v. Richard H. Roberts

2. Docket Number M2013-00947-SC-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/vodafoneopn.pdf>
http://www.tncourts.gov/sites/default/files/vodafoneidissent.opn_.pdf

4. Lower Court Summary

At issue in this case is the methodology by which multi-state taxpayers are to compute their liability for franchise and excise taxes to Tennessee and, specifically, the authority of the Commissioner of Revenue to require the taxpayers to use an apportionment methodology other than the standard cost of performance methodology codified in Tenn. Code Ann. §§ 67-4-2012 and 67-4-2110. Plaintiffs, taxpayers that provide wireless communication and data services within and without Tennessee, contend they are entitled to apportion their receipts (income) based upon Tennessee's standard apportionment formulas because the majority of their "earnings producing activities" occurred in a state other than Tennessee. The Commissioner of Revenue disagreed, insisting that Plaintiffs' approach, even if statistically correct and derived from the language of Tenn. Code Ann. § 67-4-2012(i)(2), fails to meet the higher goal of fairly representing the business Plaintiffs derive from Tennessee. For this reason the Commissioner, acting pursuant to Tenn. Code Ann. § 67-4-2014(a), varied the standard formula requiring Plaintiffs to include "as Tennessee sales" its receipts from service provided to customers with Tennessee billing addresses. The trial court affirmed the decision. In this appeal, Plaintiffs contend the Commissioner does not have authority to impose a variance unless "unusual fact situations," which are unique to the particular taxpayers, produce "incongruous results" unintended by Tenn. Code Ann. § 67-4-2012; they also insist that no unusual fact situations exist and that no incongruous results occurred when the statutorily-mandated cost of performance methodology was applied. We have determined that the Commissioner acted within the scope of the discretion granted to him by the statutes and rules. Therefore, Court of Appeals affirmed the trial court's decision.

5. Status Application granted 11/20/14; Appellant brief due 12/20/14

1. Style Diane West et al. v. Shelby County Health Care Corp.

2. Docket Number W2012-00044-SC-R11-CV

3. Lower Court Decision Link <http://www.tncourts.gov/sites/default/files/westdopn.pdf>

4. Lower Court Summary This an appeal from the trial court's denial of Appellants' motion to quash Appellee's hospital liens, which were filed pursuant to Tennessee Code Annotated Section 29-22-101 *et seq.* In each Appellant's case, the hospital filed a lien and then recovered adjusted amounts for services rendered pursuant to the hospital's agreements with the Appellant's respective insurance providers. Despite having received payment, the hospital argues that it may return these adjusted payments to the insurance provider and may, instead, seek to recover its full, unadjusted bill from the Appellants' third-party tortfeasors by foreclosing its liens. We conclude that: (1) a lien, under the HLA, presupposes the existence of a debt; (2) Appellants are third-party beneficiaries of their respective insurer's service contract with the Appellee hospital; (3) having chosen to accept a price certain for services as "payment in full" and having, in fact, accepted payment from Appellants' insurance providers, the underlying debt is extinguished; (4) in the absence of an underlying debt, the hospital may not maintain its lien; (5) the

right to subrogate belongs to the insurance provider and a hospital lien does not create a subrogation right in the hospital. Reversed and remanded.

5. Status Heard 04/09/14 in Jackson.

1. Style Stephen Michael West, et al. v. Derrick D. Schofield

2. Docket Number M2014-00320-SC-R11-CV

3. Lower Court Decision Link http://www.tncourts.gov/sites/default/files/weststephen.opn_.pdf

4. Lower Court Summary

This case asks us to interpret an exception to the Tennessee Public Records Act, Tennessee Code Annotated section 10-7-504(h), to determine whether it creates a privilege protecting the identities of persons involved in carrying out a sentence of death from pretrial discovery. This question arises from litigation in which Appellees, who are death row inmates, challenge the constitutionality of the Tennessee Department of Correction's Execution Procedures for Lethal Injection on various grounds. In prosecuting their case, Appellees requested the identities of certain John Doe Defendants involved in the execution process, but the State refused to produce this information. On a motion to compel, the trial court ordered the disclosure of the John Doe Defendants' identities subject to an agreed protective order. We find the information sought by Appellees is relevant and is not privileged under Tennessee Code Annotated section 10-7-504(h). The decision of the trial court is affirmed.

5. Status Application granted 10/21/14; Appellant brief filed 11/17/14; TBH 12/18/14

1. Style Ike J. White, III v. David A. Beeks, M.D.

2. Docket Number E2012-02443-SC-R11-CV

3. Lower Court Decision Link http://www.tncourts.gov/sites/default/files/whiteopn_0.pdf
<http://www.tncourts.gov/sites/default/files/whiteijcon.pdf>
<http://www.tncourts.gov/sites/default/files/whiteijopndissenting.pdf>

4. Lower Court Summary

This appeal involves the question of whether the trial court properly limited a medical expert's testimony at trial regarding the standard of care in an informed consent health care liability action. In the case at bar, the defendant filed a motion in limine seeking to limit the testimony of the plaintiff's expert at trial regarding risks that should have been disclosed to the plaintiff to only those risks that actually resulted in injury. The trial court granted the motion. A jury trial was held, and the jury found in favor of the defendant. Plaintiff appeals, asserting that the trial court committed reversible error when it restricted the ability of the plaintiff's medical expert to testify about other known risks. Discerning no error, we affirm.

5. Status Heard 11/03/14 in Knoxville.

1.	Style	In re Estate of Sarah Margaret Wilkins
2.	Docket Number	M2013-01536-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/wilkins_v._golden_living.opn_.pdf
4.	Lower Court Summary	This appeal stems from a case of alleged nursing home abuse and neglect and involves a dispute as to whether a health care power of attorney executed by decedent was effective to authorize the agent to execute an optional arbitration agreement on the decedent's behalf. The trial court denied the nursing home's motion to compel arbitration, holding that the attorney-in-fact did not have authority to sign the optional arbitration agreement on the principal's behalf. The nursing home appeals. Finding no error, we affirm.
5.	Status	Application granted 06/24/14; Appellant's brief filed 07/23/14; Appellee brief filed 08/22/14; Appellant's reply brief filed 09/04/14.

1.	Style	Larry D. Williams v. City of Burns, Tennessee
2.	Docket Number	M2012-02423-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/williams_l._v.city_of_burns_opn.pdf
4.	Lower Court Summary	A police officer who was terminated for violating chain of command and insubordination filed suit for retaliatory discharge pursuant to Tenn. Code Ann. § 50-1-304, alleging that he had been terminated for reporting illegal activities of the Police Chief to the Mayor. Following a trial, the court held that the evidence did not establish that the officer had been terminated solely for his refusal to remain silent about the illegal activities. Finding that the reasons given for the officer's termination were pretextual within the meaning of the applicable statute, we reverse the judgment of the trial court and remand for further proceedings.
5.	Status	Heard 10/09/14 in Nashville.

1.	Style	State v. Ricco R. Williams
2.	Docket Number	W2013-01897-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/williamsriccofinal.pdf http://www.tncourts.gov/sites/default/files/williamsriccorcon.pdf
4.	Lower Court Summary	A jury convicted Ricco R. Williams ("the Defendant") of five counts of especially aggravated kidnapping, two counts of aggravated robbery, one count of aggravated burglary, two counts of employing a firearm during the commission of a dangerous felony, and one count of unlawful possession of a firearm by a convicted felon. The Defendant appealed and contended, among other issues, that the evidence was not sufficient to support his convictions.

Upon our review, this Court reversed the Defendant's two convictions of employing a firearm during the commission of a dangerous felony and remanded those counts for a new trial; modified one of the Defendant's aggravated robbery convictions to a conviction of the lesser-included offense of aggravated assault; reversed and dismissed the Defendant's conviction of unlawful possession of a firearm by a convicted felon; and affirmed the Defendant's convictions of and sentences for especially aggravated kidnapping, aggravated burglary, and the remaining aggravated robbery. *See State v. Ricco R. Williams*, No. W2011-02365-CCA-R3-CD, 2013 WL 167285, at *1 (Tenn. Crim. App. Jan. 14, 2013) ("*Williams I*"). Upon the Defendant's application for permission to appeal, the Tennessee Supreme Court remanded the case to this Court for consideration in light of *State v. White*, 362 S.W.3d 559 (Tenn. 2012), and *State v. Cecil*, 409 S.W.3d 599 (Tenn. 2013). *See State v. Ricco R. Williams*, No. W2011-02365-SC-R11-CD (Tenn. Aug. 21, 2013). Upon our consideration of the Defendant's especially aggravated kidnapping convictions in light of *White* and *Cecil*, we affirm the Defendant's three convictions of especially aggravated kidnapping as to the victims A.R., K.R., and M.R. We reverse the Defendant's two convictions of especially aggravated kidnapping as to the victims Timothy Currie and Sherita Currie and remand those charges for a new trial. Our previous holdings regarding the Defendant's remaining convictions are unaffected by the remand and, thus, remain valid.

5.	Status	Application granted 05/15/14; Appellant's brief filed 09/15/14; Appellee brief filed 10/10/14.
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1.	Style	Kighwaunda M. Yardley v. Hospital Housekeeping Systems, LLC
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2.	Docket Number	M2014-01723-SC-R23-CV
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3.	Lower Court Decision Link	n/a
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4.	Lower Court Summary	n/a
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5.	Status	Rule 23 Certified Question accepted 11/19/14
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1.	Style	David G. Young v. City of LaFollette, et al.
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2.	Docket Number	E2013-00441-SC-R11-CV
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3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/young_opinion_final.pdf
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4.	Lower Court Summary	In this retaliatory discharge action brought by a former city administrator of the City of LaFollette, Tennessee ("LaFollette"), the trial court, following a bench hearing, denied LaFollette's motion to strike the city administrator's demand for a jury trial. The trial court, however, granted LaFollette permission for interlocutory appeal on the question of whether the city administrator's request for a jury trial properly may be granted pursuant to the Tennessee Public
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5.	Status	Application granted 10/22/14; Appellant brief filed 11/10/14; Appellee brief due 12/10/14.
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